

MAR 08 2004

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**FAX INFORMATION SHEET**

Date: March 8, 2004  
ID Number: 61297  
Identifier: 126233.0601

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Comments: Attached is a Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Pursuant to 37 CFR 1.181(f) and MPEP 711.03(c)(II) together with Exhibit A thereto.

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Coversheet Page 1 of 1

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DOCKET NO.: 126233.00601

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT  
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**MAR 08 2004**

In re Application of: :  
Janigro, et al. :  
Serial No. 09/891,023 : Group Art Unit: 1647  
Filed: June 25, 2001 : Examiner: Christopher J. Nichols  
For: **A PERIPHERAL MARKER OF BLOOD BRAIN BARRIER PERMEABILITY**

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE  
OFFICE ACTION PURSUANT TO 37 CFR 1.181(f) and MPEP 711.03(c)(II)**

SPRE Special Processing  
Facsimile No. 571.272.0889  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant's Attorney was informed on this date by Examiner Nichols that the above-identified application became abandoned for failure to file a timely and proper reply to the Final Office Action mailed on or about August 2, 2003. The abandonment date of this application was February 2, 2004.

Applicant hereby Petitions to withdraw holding of abandonment based on failure to receive office action pursuant to 37 CFR 1.181(f) and MPEP 711.03(c)(II). To support this Petition and to substantiate our statement that the Final Office was not received, enclosed are the following items:

1. A copy of our docket record for this application which indicates that the final office action was not received or docketed is attached as Exhibit "A".
2. Statement: The Final Office mailed on or about August 2, 2003 was not received by Applicant's Attorney. A complete search of the file jacket and docket records indicate that the Final Office Action was not received.

It is hereby requested that the Final Office Action be re-mailed as soon as possible.

PT: #102636 v1 (2770011.DOC)

DOCKET NO.: 126233.00601

PATENT

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted

PEPPER HAMILTON LLP



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Date: March 8, 2004

PT: #102636 v1 (277001).DOC

**Country Application**

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<b>Case Number:</b> 126233.0601	<b>Country:</b> US	<b>Sub Case:</b>
<b>Client:</b> Cleveland Clinic Foundation	United States of America	
<b>Case Type:</b> ORD	<b>Application Status:</b> Published	
<b>Application Number:</b> 09/891023	<b>Filing Date:</b> 25-Jun-2001	
<b>Publication Number:</b> 03-0170747	<b>Publication Date:</b> 11-Sep-2003	
<b>Patent Number:</b>	<b>Issue Date:</b>	
<b>Parent/PCT Number:</b>	<b>Parent/PCT Date :</b>	
<b>Parent Issue Number:</b>	<b>Parent Issue Date :</b>	
<b>Tax Schedule:</b> LE	<b>Expiration Date:</b>	
<b>Confirmation #:</b>	<b>Patent Term Adjustment:</b> 0	
<b>Agent:</b>	<b>Agent Reference #:</b>	

**Family Reference:**

**Remarks:** 9/28/2001 assignment from Damir Janigro, Marc Mayberg and Gene Barnett to The Cleveland Clinic Foundation; Reel/Frame 012233/0241.

**Priority No.:** 09/891023  
**Priority Date.:** 6/25/2001

Exhibit "A"

**Country Application**

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**List Of Actions**

Action(s) Due	Due Date		Action Taken
Information Disclosure Stmt	25-Sep-2001	Due Date	13-Dec-2001
Rmdr-Restriction Resp due	09-Oct-2002	Reminder	25-Oct-2002
Restriction Response due	25-Oct-2002	Due Date	25-Oct-2002
Restriction Resp - 1st Ext.	25-Nov-2002	Due Date	25-Oct-2002
Restriction Resp - 2nd Ext.	25-Dec-2002	Due Date	25-Oct-2002
Restriction Resp - 3rd Ext.	25-Jan-2003	Due Date	25-Oct-2002
Restriction Resp - 4th Ext.	25-Feb-2003	Due Date	25-Oct-2002
Resp. to OA due in 2 mos.	07-Mar-2003	Reminder	01-May-2003
Restriction Resp - FINAL	25-Mar-2003	Final	25-Oct-2002
Resp. to OA due in 1 mo.	07-Apr-2003	Reminder	01-May-2003
Status Check	25-Apr-2003	Due Date	10-Feb-2003
Resp. to OA due	07-May-2003	Due Date	01-May-2003
Resp. to OA due w/1st ext.	07-Jun-2003	Due Date	01-May-2003
Refile Amendment-due 2 weeks	15-Jun-2003	Reminder	18-Jun-2003
Refile Amendment	30-Jun-2003	Due Date	18-Jun-2003
Resp. to OA due w/2nd ext.	07-Jul-2003	Due Date	01-May-2003
Resp. to OA due w/3rd ext.	07-Aug-2003	Final	01-May-2003
Notice of Publication rec'd	29-Sep-2003	Final	29-Sep-2003
Status Check	01-Nov-2003	Due Date	